

## **Chapter 27.29**

### **B-1 LOCAL BUSINESS DISTRICT**

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This district is intended to provide a stable area of local retail relating to existing communities and existing neighborhoods. It provides for functional business uses to serve those communities and neighborhoods. Dwellings are permitted only above the first floor.

#### **27.29.010 Scope of Regulations.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-1 Local Business District. (Ord. 12571 §157; May 8, 1979).

#### **27.29.020 Permitted Uses.**

A building or premises shall be permitted to be used for the following purposes in the B-1 Local Business District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (i) Adult care centers;
- (j) Service stations;
- (k) Hospitals and clinics for animals, but not open kennels;
- (l) Self-service laundromats;

- (m) Messenger and telegraph stations;
- (n) Office buildings;
- (o) Parking lots and storage garages;
- (p) Restaurants;
- (q) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- (r) Undertaking establishments;
- (s) Photography studios;
- (t) Bicycle sales and repair shops;
- (u) Key shops;
- (v) Ambulance services;
- (w) Garden centers;
- (x) Clubs;
- (y) Marinas, for sale, service, and storage of motor boats and other related water craft;
- (z) Receiving store for dry or steam cleaning which shall be done elsewhere;
- (aa) Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space;
- (bb) Enclosed commercial recreational facilities;
- (cc) Mail order catalog sales;
- (dd) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments. (Ord. 16962 §1; March 25, 1996: prior Ord. 16767 §4; April 10, 1995: Ord. 16488 §1; September 27, 1993: Ord. 16144 §4; July 6, 1992: Ord. 14626 §1; March 16, 1987: Ord. 13736, as amended by Ord. 13745 §1; January 3, 1984: Ord. No. 12751 §13; November 5, 1979: Ord. 12571 §158; May 8, 1979).

### **27.29.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the B-1 Local Business District in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
  - (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
  - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
- (b) Motels and hotels:
  - (1) A distance of at least twenty feet shall be maintained between buildings on the lot;
  - (2) Each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.
- (c) Tailor shops, shoe repairing, printing, photocopying, repair shops for electrical, radio, television equipment, and household appliances, or other similar businesses:

The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet;

- (d) Dwellings, provided that:
  - (1) Dwellings shall only be permitted above the first story of a building;
  - (2) The first story shall be used for a nondwelling use permitted in the district;
  - (3) Said nondwelling use shall not:
    - (i) be accessory to the residential use,
    - (ii) be a parking lot or garage;
  - (4) Said first story shall not have more than twenty percent of its height below grade.
- (e) Sales and showrooms for the sale at retail of plumbing, electrical, and heating and air conditioning equipment and supplies, including service facilities and rental of equipment, provided:
  - (1) All activities and storage shall be within an enclosed building;
  - (2) A portion of the premises shall be devoted to retailing.
- (f) Early childhood care facilities:
  - (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
  - (2) Such facilities shall comply with all applicable building and life safety code requirements.
  - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
  - (4) Such facilities must receive a conditional use permit from the Department of Building and Safety. (Ord. 16926 §1; February 5, 1996: prior Ord. 16854 §29; August 14, 1995: Ord. 14372 §1; April 21, 1986: Ord. 13344 §1; March 29, 1982: Ord. 12571 §159; May 8, 1979).

#### **27.29.040 Permitted Special Uses.**

A building or premises may be used for the following purposes in the B-1 Local Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Broadcast towers;
- (d) Church steeples, towers, and ornamental spires which exceed the maximum of forty feet;
- (e) Expansion of nonconforming uses;
- (f) Historic preservation;
- (g) Public utility purposes;
- (h) Wind energy conversion systems;
- (i) Cemeteries;
- (j) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.29.080(g);
- (k) Sale of alcoholic beverages for consumption on the premises;
- (l) Sale of alcoholic beverages for consumption off the premises. (Ord. 16593 §1; April 11, 1994: prior Ord. 15782 §1; November 26, 1990: Ord. 14780 §11; November 2, 1987: Ord. 14378 §9; May 5, 1986: Ord. 13588 §11; May 9, 1983: Ord. 12978 §14; August 25, 1980: Ord. 12894 §15; April 7, 1980: Ord. 12571 §160; May 8, 1979).

**27.29.050 Accessory Uses.**

Accessory uses permitted in the B-1 Local Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §161; May 8, 1979).

**27.29.060 Parking Regulations.**

All parking within the B-1 Local Business District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §162; May 8, 1979).

**27.29.070 Sign Regulations.**

Signs within the B-1 Local Business District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §163; May 8, 1979).

**27.29.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the B-1 Local Business District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §16; February 22, 2000.)

**27.29.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the B-1 Local Business District shall be as follows:

- (a) General requirements:

Table 27.29.080(a)						
	Lot Area (Sq.ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, above first story	2,000 per unit	50'	20'	0*, 10' if abutting residential district	Smaller of 30' or 20% of depth	40'
Other Permitted Uses	0	0'	20'			40'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						

- (b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for the next four dwelling units;

25 square feet per unit for the next four dwelling units;

20 square feet per unit for each additional dwelling unit beyond nine.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure, may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreational and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

(e) Accessory buildings shall not extend into any required yard except accessory buildings to nonstandard residential uses may be allowed in the required rear yard when no more than thirty percent of such yard is occupied and such building is not nearer than two feet to any side or rear lot line.

(f) Dwellings existing in this district on the effective date of this title which do not meet the requirements of this chapter shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.

Accessory buildings for such non-standard dwellings shall not extend into any required yard except as follows:

Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(g) Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of a building which contains windows for dwelling units. The yard shall be on the premises on which the building is situated. (Ord. 15782 §2; November 26, 1990: prior Ord. 15724 §2; September 17, 1990: Ord. 13134 §1; May 4, 1981: Ord. 12571 §164; May 8, 1979).